

REMARKS

This amendment is submitted in response to the Office Action dated March 22, 2005, in which claims 1-15 have been rejected for various reasons. The independent claims are claims 1 and 15.

Claims 1-15 have been rejected under 35 USC §103(a) as being unpatentable over *Roper et al.* (EP 0616455A2), and further in view of *Degermark et al.* (“Low-loss TCT.IP header compression for wireless networks”).

Section 10 of the office action states that all the features of claims 1 and 15 are present in *Roper*, with the exception that *Roper* does not disclose that the available segment formats differ in the amount of control data that they include. However, applicant respectfully submits that *Roper* also does not disclose that (1) the quality of the data path is estimated as claimed in the present independent claims, or that (2) the format of each data segment is selected in dependence on the quality of the data path as claimed in the present independent claims.

Roper is concerned with minimizing latency on a network and describes that a network node may store the received and transmitted data segments comprising a message so that the node will be able to later transmit that message without needing to again process the message into data segments. In a preferred embodiment, several sets of data segments representing the same message may be stored at a node and the set having the segment size which most closely matches the optimum segment size for the network conditions at the time will be selected for transmission. If a reasonable match between the segment size of the stored data segments and the optimum segment size is not found, the network node may process the messages into the appropriate segment size for transmission.

The Office Action points to col. 8, lines 12-34 of *Roper*, but that portion merely describes several factors that may be considered by a network node in order to determine whether to send a stored set of data segments or to process the message into data segments of a more appropriate size. None of these factors relates to the quality of the data path over which the message is to be sent. A person of ordinary skill understands that “size” is different from “quality.” Indeed, there is no mention at all in *Roper* that the

error rate over a data path, or any other quality-related factor, should be considered when selecting the appropriate segment size for transmission.

Degermark relates to a method for header compression for wireless networks and appears to disclose data segments which differ in the amount of control data that they include. However, *Degermark* also does not disclose the two features listed above that are missing from *Roper*: (1) there is no suggestion that the method involves estimating the quality of the path over which data is to be sent; (2) the format of data segments is not selected in dependence on the quality of the data path—rather, the header size is selected on the basis of predetermined mechanisms, such as those described under sections 3.2 and 3.3.

In summary, neither *Roper* nor *Degermark* disclose the two features listed above that are expressly recited in claims 1 and 15 of the present application. A person having ordinary skill in the art would not therefore be able to realize all the features and advantages of the present application by combining *Roper* with *Degermark*. Therefore, it is believed that claims 1–15 are inventive over the prior art and thus are allowable.

Claims 7, 8 and 9 are rejected under 35 USC § 112 for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Claims 7, 8 and 9 have been amended to recite “the data path” instead of “the path”. Therefore, it is believed that claims 7, 8 and 9 as amended are allowable.

The objections and rejections of the Official Action of March 22, 2005, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is respectfully requested, and passage of claims 1-15 to issue is earnestly solicited. Applicant respectfully requests that the Examiner contact Applicant's attorney by telephone, if there is anything unclear about the present response.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew T. Hyman".

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